

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BRIAN JOHNSON, on Behalf of Himself	)	
and All Others Similarly Situated	)	
	)	
Plaintiff(s),	)	
	)	
v.	)	1:07CV599
	)	
POZEN, INC., JOHN R. PLACHETKA,	)	
MARSHALL REESE, WILLIAM L.	)	
HODGES, and PETER J. WISE	)	
	)	
Defendant(s)	)	

**ORDER**

On February 19, 2009, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Thereafter, and within the time limit prescribed by Section 636, plaintiff filed objections to the Recommendation, to which defendant filed a response.

The Court has reviewed the parties' submissions de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

**IT IS THEREFORE ORDERED** that the motion to dismiss the Amended Complaint filed by Defendants Reese, Hodges, Pozen, Plachetka, and Wise (docket no. 50) is GRANTED. The separate motion to dismiss the Amended Complaint filed by Defendant Wise (docket no. 52) is dismissed as MOOT. Plaintiffs' motion to strike (docket no. 59) is DENIED. Furthermore, plaintiffs' alternative request to amend the Amended Complaint to redraft the complaint to overcome the pleading hurdles of Rule 12(b)(6) and the PSLRA, is DENIED as futile. A judgment dismissing this action will

be entered contemporaneously with this Order.

This the 29<sup>th</sup> day of September, 2009.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge